



ORIENT LAND TRUST

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A Colorado 501(c)(3) Corporation

To the Commissioners of Douglas County,

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We who live in the San Luis Valley value the treasures of our lands and the waters that sustain them. We are resolved to protect them from those who are so seemingly impoverished of spirit that they look at our beautiful home and see Only money and their own ambitions.

I am dismayed when I watch some of the Douglas County Commissioners succumb to the calculated obfuscations of Mr. Tonner's and RWR's misinformation campaign. Though many of the "myths" that they espouse have been shown to be half-truths or outright misrepresentations, RWR, simply persists in repeating them during each of your "due diligence" sessions and they seem to be rewarded in persuading you to dismiss the truths that we have painstakingly provided for you.

They say that "there is an Ocean" of water beneath our Valley's surface. They say that They are the only ones who care enough to compensate the water rights holders whose wells might have to be capped. These are some of the half-truths I refer to.

The volume of water in our confined aquifer is not a single bowl of water with a convenient dome over it. That water is tied up in vast networks of aggregate materials that respond to the removal of that water in many ways. The **water itself is part of the stabilization** of these layers. Removing it in the volumes and rates they envision, (31 cubic feet Per SECOND in perpetuity without replacing even a percent of it through drain back), would have the effect of Collapsing strata in such a way as to make it impossible to "re-fill" them. (RGDSS paragraph 212 and 216). Paragraph 216: "Once compaction occurs it is irreversible."

Conversely, they would have you believe that pumping out of the confined aquifer will have no effect on surface waters when the (Figure 1) diagram **in their proposal** clearly represents a large and significant permeable connection between aquifer layers that **bypasses** all of the subsurface clay layers at the "rim recharge zone", an area they rather proudly describe as "where the granite (the mountains) meets the valley floor". This formation contains numerous fault zones that are known to be even more permeable. Twenty, 3-foot diameter wells, pumping constantly in their wellfield which is plotted to exploit this formation, will undoubtedly prove to be the predictable and superior **suction destination** for whatever surface water presently flows uninhibited to its current, **unconfined** destination. I believe they would prefer to not see this emphasized. It certainly is not a "Win/ Win" for any surface water users nor for those whose artesian pressure would be necessarily diminished, including all hot springs.

They would prefer that you not concern yourselves with the not insignificant

obstacles of satisfying 1041 legislations in Every County their/ *Your* pipeline will cross as well as the most formidable specter of EIS requirements should any and all Public Lands and Agencies become involved. (We actually partner with USFWS & NRCS in the oversight of our endangered and protected species fish habitat and would have no qualms about triggering an extensive, exhaustive and time-consuming EIS assessment.)

They would have you believe that their efforts to retire water rights is a laudable conservation effort. The only way it would be deemed as such is if you **completely forget** that they would be taking significant amounts of water **OUT** of the Valley **annually** as well... But the Valley is already working toward retiring rights and is already working at gathering funding to compensate these same capped well owners that RWR would have you believe only They care about. They conveniently omit these contemporary actualities to persuade you to believe that only They are the great benefactors.

They promise a one-time offer of \$50M to a Valley that generates far more than that in just a Single year and in fact, their dry-up of irrigated land for their water export would effectively subtract an estimated \$53 M per year from the Valley's economy. (No Win/Win here either). These can and should be viewed as the sins of omission that they are, yet they are so smooth about it all that they are apparently counting on your being mesmerized by their self-ballyhooed "philanthropy".

RWR claims that the waters of the San Luis Valley are theirs for the buying, for the claiming, for the taking despite the fact that, (as you have been informed), ***the aquifer is already over-appropriated***. They are insistent in their representation to you that they have "every right" to this water and that it is plentiful and available and "**renewable**". They demure to inform you that all of your wells will be subject to future curtailment should the aquifer continue to drop. Your awarding a linked access to this water to them, (and Douglas County by extension), would actually have the effect of "cutting our baby in half". (So much for your "Win/Win" yet again.)

The Valley is trying to be heard by your Commission.

When given the whole truth of the matter at hand, it is We who are the ones who care about our Valley and how best to administer it. RWR can only continue to use their "truth of obfuscation" and claim that our facts are unreliable. They are not.

They will make the statement that what they want to exploit is less than 5% of the Valley's water. Let's bring this back down to an example that hopefully we can all relate to. If you have a house and I say I am only going to remove 5% of your wall space, it may sound amenable. After all, that will only take away a little bit of floorspace is how you might imagine it. I decide however that the wall space I am going to remove is all of your windows and exterior doors and then leave all those openings open, (and it's January). Pretty significant all of a sudden.

RWR's agents try to belittle our concerns for the specter of a pipeline going over Poncha Pass. Of Course, we feel that way. Unapologetically so. None of this is mere xenophobia. We are here to protect our world from disappearance and degradation. The

San Luis Valley has already successfully stopped two earlier water exportation schemes. During the first such iteration, (AWDI), the Courts determined that ALL waters in the San Luis Valley are considered to be Tributary to the Rio Grande river basin and by extension determined that all the aquifer waters are in communication with each other. The "separations" by clay layering in the aquifer are more permeable than RWR would have you believe. This case went all the way to the United States Supreme Court which honored the rulings of the lower courts.

The second iteration, (Stockman's Water Co.), was determined at the ballot box where their two Valley-busting Statewide Referendums were roundly defeated by a margin of 3 to 1 and in Douglas County by at least 2 to 1.

I challenge you to imagine your reaction should Denver one day decide to take what water Douglas County has managed to cobble together. I'm betting you would howl too.

Commissioner Teal has attempted to lay claim to an atmosphere of civility and "honest discovery" for these sessions. A danger in discourse arises however when the quest for civility outweighs plain speaking. Mr. Teal has been seen to bark back at Commissioner Thomas's valid and due diligent questioning of "who will pay for all of this". (RWR has set its hounds upon her for such temerity.) He is also on record as frustrated, apparently, that our historical and generational use of SLV water for SLV Agriculture, would somehow take precedence over the needs of Douglas County Agriculture tomorrow... (Really?). On record too representing that some 80+% of what we have provided the Commissioners is false information, yet he advocates RWR's party line all too often with no such evidence. (Really.) Methinks he may protest too much. I have to wonder why.

The point here is this. If your premise is to achieve a "Win/ Win", then **both** sides must be taken seriously and not dismissed out of hand. The Governor Owens of 1999, actually on record at that time, required that the Valley be listened to. (What happened to That guy?) This proposal is demonstrably not a "Win/Win". The facts back that up, and somewhere you know it. It remains to be seen if your statement will be the true word of a credible man or merely the political lip service of ambition that no one will come to respect or trust yet **will** remember.

Theirs is an ill-conceived, incomplete, work in progress, (not a real plan at all,) and an unimaginative fossil of a solution for Douglas County's future water needs. It is said that Douglas County is the wealthiest County in Colorado and in the top ten for the Country itself. Surely your financial capabilities can partner with the resources of NREL and other laboratories, innovative companies, and proven water conservation projects from around the Country and the world to proudly herald the bold spirit that Douglas County purports to embody. Are the Douglas County Commissioners real innovators and proactive leaders or merely prisoners of a population growth and exploding development that they fear to manage?

The San Luis Valley values our land and reveres the water that blesses our home. We take our stewardship seriously and demonstrably. We are trying to build a more sustainable and diversified future in our Valley given our present situation, but RWR's "solution" only serves to **vivisect** our progress. I challenge Douglas County to live within your means instead of mining a completely different bio-region. That RWR would try to

exploit our struggles displays the opportunism, irresponsibility and base profiteering at the core of their "vision". We in The Valley are not fooled and see this clearly for what it is. We ask that you, the Commissioners of Douglas County no longer encourage nor support their poorly laid plan.

Mark Jacobi

Orient Land Trust

Facilities Manager

